Re-Issuance of Regional Permit 7
Fill Material Placed in Waters of the U. S. for Road Crossings in the State of Iowa

Project Description. This regional permit, which was initially issued in 1979, extended in 1985, 1989, 1995, 1999, and 2002, expired December 31, 2007. Since there have been no changes in attendant circumstances since the regional permit was previously issued, it has been extended (for one year or until the regional permit is re-issued, whichever occurs first) while coordination to re-issue the permit is completed (33 CFR 325.6(d). The Corps of Engineers proposes to modify and reissue this regional permit for a period of five years. There were 58 projects authorized under the regional permit during the period August 2004 and December 2007. Some of these were projects that would have fallen under Nationwide Permit 14 had the nationwide permits not expired.

Parties proposing to undertake work under the provisions of this regional permit must provide prior notification to the appropriate Corps of Engineers district. Information submitted by the proponent must clearly describe the proposed work so the Corps of Engineers can clearly determine whether or not the proposed work complies with the conditions and limitations of the regional permit. The proponent will be notified within 15 workdays if the project is in compliance with the conditions of the regional permit and whether project construction may proceed. However, this will not alleviate the need of the proponent to obtain other applicable state of local authorizations.

The policies of this regional permit will be subject to reconsideration at any time, but at least every five (5) years. This regional permit may be modified, suspended, or revoked in accordance with 33 CFR 325 if it is determined that the public interest would be best served by so doing.

Special Conditions:

1. The intended use of work authorized under this regional permit will be in association with bridge and roadway construction across waters of the United States.

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2. This regional permit is limited to excavation activities and fill material placed in wetlands or below the ordinary high water mark of other waters for bridge construction or replacement on existing alignment and associated bridge removal, culvert construction, replacement, or extension, or bridge construction on new alignments located within 500 feet of either side of the centerline of existing structures. New bridge or roadway alignments must be based upon sound conservation and safety bases.

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3. Permanent fill material placed below the plane of ordinary high water or in wetland areas, when this fill is utilized in the construction of bridge abutments, pier footings, etc., in association with bridge construction, shall not exceed 1,000 cubic yards. Riprap shall be clean native fieldstone, clean quarry run rock, or appropriately graded broken concrete with all reinforcing rods and/or wire cut flush with the surface of the concrete. Asphalt, broken concrete containing asphalt, and items such as car bodies are specifically excluded from this authorization.

Permanent fill material placed below the plane of ordinary high water (OHW) or in wetland areas, when this fill is utilized in the construction of bridge abutments, pier footings, etc., in association with bridge construction, shall not exceed 500 cubic yards. Riprap shall be clean native fieldstone, clean quarry run rock, or appropriately graded broken concrete that is free of reinforcement material.

4. Temporary fill for access, cofferdams, or other temporary structures required for the construction of highway crossings shall be included in the project plans or specifications and shall not exceed 500 cubic yards. Material used shall be clean, appropriately sized material (less than 10% fines passing a Number 200 sieve) and be free of loam, sod, and other deleterious materials.

Temporary fill for access, cofferdams, or other temporary structures required for the construction of highway crossings shall be included in the project plans and shall not exceed 500 cubic yards.

5. All temporary structures and fill will be removed completely by mechanical means no later than 30 days after completion of construction and they are no longer needed for construction activities. Temporary fill materials, cleared vegetative materials, construction debris, including old bridge materials, and other fill not necessary for meeting the project purpose must be disposed of at an upland area or licensed landfill as appropriate.

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6. Permittees must take all practicable measures to avoid and minimize impacts to waters of the United States by both temporary and permanent fills. Once such measures are taken, up to 1 acre of regulated wetland area may be filled in conjunction with the road crossing projects. Compensatory wetland mitigation is required at a minimum ratio of 1.5:1 if the loss of wetland exceeds 0.10 acre. Mitigation must be adequate to offset unavoidable impacts or losses to regulated waters of the United States. The Corps of Engineers will determine if the proposed mitigation is adequate.

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7. This permit does not authorize construction in any environmentally sensitive area, such as mussel beds, fish spawning areas, waterfowl nesting areas, etc.

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8. Minor stream shaping and channel realignment is authorized where necessary to provide adequate flow conveyance and proper alignment of the channel through the bridge. Such

activities must occur within 300 feet upstream and downstream of the centerline of the roadway (existing channel length, with a maximum distance of existing channel length impacted (filled or abandoned) not to exceed 500 feet). In-stream and riparian mitigation measures necessary to minimize or mitigate impacts will be required for any project that involves channel shortening as well as other projects on a case-by-case basis. Mitigation required for any stream shaping and channel realignment may include but not be limited to:

Minor stream shaping and channel realignment is authorized where necessary to provide adequate flow conveyance and proper alignment of the channel through the bridge. Such activities must occur within 300 feet upstream and downstream of the centerline of the proposed bridge (existing channel length, with a maximum distance of existing channel length impacted (filled or abandoned) not to exceed 500 feet). In-stream and riparian mitigation measures, necessary to minimize or mitigate impacts, will be required on a case-by-case basis. Mitigation required for any stream shaping and channel realignment may include by not be limited to:

a. Side slopes of a newly constructed channel will be no steeper than 2:1 and planted to permanent, perennial, native vegetation if it is not armored.

1. Stream banks shall be no steeper than 2H:1V.

b. Native grass filter strips a minimum of 35 feet in width (measured from the top of the bank landward) or a riparian corridor consisting of native trees and/or shrubs shall be planted along both sides of the realigned channel unless there is a physical reason for not including one (such as a rock ledge). Land ownership is not an acceptable reason for limiting filter strips. A survival rate of 80% of desirable species shall be achieved within 3 years of establishment of the buffer strip.

7. Native grass filter strips a minimum of 35 feet in width (measured from the top if the bank landward) or a riparian corridor consisting of native trees and/or shrubs shall be planted along both sides of the realigned channel unless there is a technical reason for not including one (such as a rocks ledge).

c. Stream banks shall be stabilized with planted vegetation or riprap to the limits of stream bank disturbance. Plantings of native prairie grasses are recommended where appropriate to diversify the stream bank protection.

2. Stream banks shall be stabilized with planted vegetation or riprap to the limits of stream bank disturbance. Plantings of native prairie grasses are recommended where appropriate to diversify the stream bank protection.

d. The proposed channel shall have the same or greater carrying capacity as the existing channel.

3. The proposed channel shall have the same or greater carrying capacity as the existing channel.

e. If the proposed channel grade is steeper than the grade of the existing channel, grade control structures are required at the upstream and downstream ends of the proposed channel. The downstream slopes of the grade control structures shall be no steeper than 20H:1V, and upstream slopes shall be no steeper than 4H:1V. All structures must be keyed into the channel bed and bank and must be able to withstand and pass expected high flows. The structures must be submerged at normal stream flow (75% of the-year).

4. If the proposed channel grade is steeper than the grade of the existing channel, grade control structures are required at the upstream and downstream ends of the proposed channel. The downstream slopes of the grade control structures shall be no steeper than 20H:1V. Upstream slopes shall be no steeper than 4H:1V.

f. In-stream habitat structures and/or the use of rock riffles may be used to enhance aquatic habitat in the stream stretch modified by stream shaping or channel alignment. In-stream habitat structures must be V-shaped with the point of the V pointing upstream. The sides of

the V must be angled upstream (approximately 30 degrees measured along the shoreline. The center section will be lower than the outer sections to concentrate flows to the stream middle during periods of low flow.

5. In-stream habitat structures and/or the use of rock riffles may be used to enhance aquatic habitat in the stream stretch modified by stream shaping or channel alignment.

g. In areas where the stream channel is relocated, by-passed meanders must be preserved if they will not be a safety or structural hazard. The preserved meanders will remain as oxbow wetlands or pools.

6. In areas where the stream channel is relocated, preservation of some by-passed meanders is recommended to create oxbow wetlands or pools.

9. Measures must be taken for heavy equipment usage in wetland areas to minimize soil disturbance and compaction. All exposed soils and other fills as well as any work below the ordinary high water mark must be permanently stabilized at the earliest practicable date using permanent native vegetation, bioengineering methods, or armoring.

Measures must be taken for heavy equipment usage in wetland areas to minimize soil disturbance. All exposed soils and other fills as well as any work below the ordinary high water mark must be permanently stabilized at the earliest practicable date using permanent native vegetation, bioengineering methods, or armoring.

10. Any excavation or placement of temporary or permanent fill must be performed in a way that would not result in the physical destruction of important fish spawning areas, including smothering of downstream spawning areas via turbidity.

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11. Petroleum products, other chemicals, and other unsuitable materials (e.g. trash, debris, asphalt, etc.) will be prevented from entering water bodies, streams, and wetlands.

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12. Appropriate soil erosion and sediment control measures must be used and maintained during project construction.

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13. Temporary and permanent structures must be installed to maintain low flow conditions and to pass normal and expected high flows.

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14. Archaeological. Under this regional permit the Rock Island District of the U.S. Army Corps of Engineers (Corps) authorizes and requires the permittee to initiate consultation with State Historic Preservation Officers and Tribal Historic Preservation Officers and other consulting parties as provided for at 36 CFR 800.2(~)(5) in the Advisory Council on Historic Preservation regulations for the Protection of Historic Properties; Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites; Final Rule and Notice (Federal Register Vol. 64, No. 95, pp. 27071-27087, May 18, 1999). All findings and determinations resulting from the consultation shall be provided to the Corps of Engineers which shall remain legally responsible for all findings and determinations once agreed to by the Corps of Engineers and formalized through the process provided for in 36 CFR 800. If,

during construction, the permittee uncovers an item or items that may be of historic or archaeological interest or if important new historic properties-data comes to light in the project area, the District Engineer shall be notified immediately and the work will be delayed a sufficient time to carry out the requirements for post-review discoveries as set out at 36 CFR 800.13 (b-d) and/or the guidelines of the Burials Program of the Office of the State Archaeologist of Iowa, Iowa City, for the Code of Iowa Chapters 305A.9 and 716.5 regarding ancient human remains.

The permittee must coordinate the proposed work with the State Historic Preservation Officer and provide all documentation and other information sufficient for compliance with Section 106 of the Historic Preservation Act prior to the authorization becoming effective under this Regional Permit. This is most pertinent regarding the historical significance of existing bridge and other features that are to be removed. If, during construction, the permittee uncovers an item or items that may be of historic or archeological interest or if important new historic data comes to light in the project area, the work will be delayed sufficient time to notify the appropriate District Engineer and the State Historical Preservation Officer to allow the significance of the discovery to be determined.

15. Endangered Species.

a. No activity is authorized under this Regional Permit which is likely to adversely affect the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which will destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work.

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b. Authorization of an activity by this regional permit does not authorize the "take" of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal "takes" of protected species are in violation of the Endangered Species Act. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. Fish and Wildlife Service and National Marine Fisheries Service or their World Wide Web pages at htt~:l/www.fws.qov/r9ends~~/ends~p.html and ~~~D://www.~~~s.Qov/D~o~res/esahome.html, respectively.

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16. Mitigation. The mitigation plan must include acres of emergent, forested, etc., wetland to be created as a result of the project. The mitigation plan shall include a purpose. A summary of the approved acres and performance measures for the mitigation plan is as follows:

Mitigation Design Objectives I Performance Measures Mitigation

	Mitigation					
Type:	Emergent wetland (acres)	Forested wetland (acres)	Open Water (acres)	Other* (acres)	Total (acres)	Stream Channel Length (ft)
Restoration:						
Creation:						
Enhancement:						
Preservation:						
Total:						

* Replace "Other" with actual type of mitigation ("Upland", "Woodland", "Scrub/shrub wetland, "grade control structures", "instream habitat structures", etc.)

Mitigation shall be constructed prior to or concurrent with the construction of the main project. If excavation and construction are completed outside an optimal seeding period, temporary erosion control protection shall be implemented immediately upon completion of excavation and construction and shall be maintained until such time as wetland plantings can be completed during an optimal period. The permanent wetland plantings shall then be completed during the next optimal seeding period. In addition:

- The boundaries of the wetland mitigation sites shall be identified clearly by the placement of permanent markers.
- If tiling is present in the wetland, the tile must not detract from the function of the wetland.
- The wetland mitigation sites shall be fenced with a permanent fence if any domestic livestock are to be allowed to graze adjacent areas.
- An as-built plan shall be submitted to the Corps of Engineers and Iowa Department of Natural Resources upon project completion. This information will use GPS coordinates for location information.
- Your responsibility to complete the required mitigation as set forth in the project details will not be considered fulfilled until you have demonstrated mitigation success and have received written verification from the U.S. Army Corps of Engineers.
- The permittee shall conduct an annual survey of the mitigation area to monitor the survival rate of the plantings, and soil and hydrology conditions at the site. The results of the survey will be documented annually on the enclosed Rock Island District Standard Mitigation Reporting Form also available at:

http://www2.mvr.usace.armv.mil/Reaulatorv/ or in an annual progress report as specified in RGL 06-03, htt~://www2.mvr.usace.armv.mil/Reaulato/Documents/Reulatow. These annual reports are due no later than August 31 of each year for at least 5 years following construction. All annual monitoring reports shall be formatted for 8.5 x 1- inch paper.

- Any future development or land-use conversion of the wetland mitigation area for any purpose which may interfere with or be detrimental to wetland functions is prohibited without prior written approval from the Corps of Engineers.

17. Projects with mitigation may require recording of the permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property and provide proof of recording to the Corps of Engineers. If the permit cannot be recorded in the manner indicated, the permittee shall provide the COE and the IDNR with documentation of agreements, contracts, etc., demonstrating to the COE's and the IDNR's satisfaction that the wetland mitigation site will be protected from future activities that may interfere with or be detrimental to wetland functions and values to a level of assurance equivalent to that provided by the aforementioned recording process.

18. Water quality certification. The conditions listed in the Section 401 water quality certification from the Iowa Department of Natural Resources are considered to be part of this regional permit. An individual Section 401 water quality certification will be required for projects that impact fens, bogs, seeps, or sedge meadows.

That conditions listed in the attached Section 401 water quality certification from the Iowa Department of Natural Resources dated March 15, 2002, are considered to be part of this permit. The regional conditions are as follows:

- Side slopes of a newly constructed channel will be no steeper than 2:1 and planted to permanent, perennial, native vegetation if it is not armored.
- NWP's with mitigation may require recording of the permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property and provide proof of recording to the Corps of Engineers.
- Mitigation shall be scheduled for construction prior to or concurrent with the construction of the main project.

Yellow – 2008 text that is different from 2002 version
Grey – 2002 text